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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 03-214-A)

In re Application of: )  
Bao, et al. ) Examiner: TBA  
Serial No. 10/789,831 )  
Filed: February 27, 2004 ) Group Art Unit: TBA  
For: Label-Free Gene Expression Profiling ) Confirmation No.: TBA  
With Universal Nanoparticle Probes in )  
Microarray Assay Format )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies<sup>1</sup> of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. Heller, et al., U.S. Patent No. 4,966,143 issued 02/26/91
2. Kausch, et al., U.S. Patent No. 5,508,164 issued 04/16/96
3. Ewart, et al., U.S. Patent No. 5,922,537 issued 07/13/99
4. An, et al., U.S. Patent No. 5,972,615 issued 10/26/99
5. Blackburn, et al., U.S. Patent No. 6,264,825 issued 07/24/01

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<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated there between; if no such English language equivalent is cited, then none is known to undersigned.

6. Yguerabide, et al., U.S. Patent No. 6,214,560 issued 04/10/01
7. International Patent WO 94/29484 published 12/22/94
8. International Patent WO 00/25136 published 05/04/00
9. Mohanty J., et al., "Pulsed laser excitation of phosphate stabilized silver nanoparticles," *Proc. Indian Acad.*, Vol. 112, No. 1, p. 63-72 (2000)
10. Nicewarner- Peña S., et al., "Hybridization and Enzymatic Extension of Au Nanoparticle-Bound Oligonucleotides," *J. Am. Chem. Soc.*, Vol. 124, p. 7314-7323 (2002)
11. Whitesides G.M., et al., "Soft Lithography in Biology and Biochemistry," *Annu. Rev. Biomed. Eng.*, p. 335-373 (2001)

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the

attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,



Emily Miao  
Registration No. 35,285

Dated: May 30, 2004  
  
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Universal Nanoparticle Probes in Microarray )  
Assay Format )

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

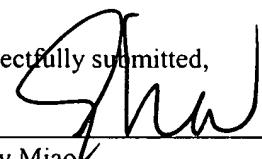
Sir:

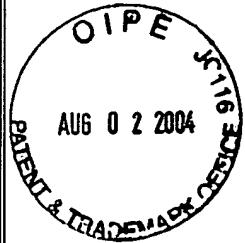
In regard to the above identified application.

1. We are transmitting herewith the attached:
  - a) Information Disclosure Statement;
  - b) U.S. PTO 1449 Form with copies of 11 references; and
  - c) Return Postcard.
2. With respect to fees:
  - a) No fee is attached.
  - b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of July, 2004.

Date: 7/30/04

Respectfully submitted,

  
Emily Miao  
Registration No. 35,285

FORM PTO-1449 (Rev. 2-32)		U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 03-214-A	Serial No. 10/789,831
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use several sheets if necessary)				
				
<b>Applicant:</b> Bao, et al.				
<b>Filing Date:</b> February 27, 2004			<b>Group:</b> TBA	

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
1.	4,996,143	02/26/91	Heller, et al.	435	6	04/13/90
2.	5,508,164	04/16/96	Kausch, et al.	435	6	10/29/93
3.	5,922,537	07/13/99	Ewart, et al.	435	6	11/8/96
4.	5,972,615	10/26/99	An, et al.	435	6	01/21/98
5.	6,264,825	07/24/01	Blackburn, et al.	205	777.5	06/23/99
6.	6,214,560	04/10/01	Yguerabide, et al.	435	7.1	04/18/97

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Subclass	Translation Yes	Translation No
7.	WO 94/29484	12/22/94	PCT				
8.	WO 00/25136	05/04/00	PCT				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

9.	Mohanty J., et al. "Pulsed laser excitation of phosphate stabilized silver nanoparticles," <i>Proc. Indian Acad. Sci.</i> , Vol. 112, No. 1, p. 63-72.
10.	Nicewarner- Peña S., et al., "Hybridization and Enzymatic Extension of Au Nanoparticle-Bound Oligonucleotides," <i>J. Am. Chem. Soc.</i> , Vol. 124, p. 7314-7323 (2002)
11.	Whitesides G.M., et al., "Soft Lithography in Biology and Biochemistry," <i>Annu. Rev. Biomed. Eng.</i> , p. 335-373 (2001)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.